THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5568 of 2000

Dated: 27.07.2006

Between
M.A.Sattar

…..Petitioner

and

1.The District Collector/Chairman,
Hyderabad District,Nampally,
Station Road, Hyderabad and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5568 of 2000

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in withholding the payment of final bills and not returning the earnest money deposits to the petitioner with regard to the public works executed by him as arbitrary and illegal and consequently to direct the respondents to pay the entire amount due to the petitioner along with interest @ 24% p.a.

It is the case of the petitoner that he is a qualified contractor doing public works since 1989. The 2nd respondent called for tenders for providing Low Tension Over Head Lines and other electrical installation works in the premises of Residential Complex at Malkajgiri. The petitioner was the successful bidder and he was allotted with the work and an agreement was also executed in this regard on 18.9.1993. The above contract work was completed as per schedule and the petitioner submitted his final bills. But, the final bills were not finalized. While so, he was orally asked to execute petty works in the office of Deputy Public Relations Officer, Collectorate premises, Hyderabad and petty works in the Executive Engineer's Office in Collectorate premises Hyderabad amounting to Rs.30,000/-. The Earnest Money Deposit deposited by him for Low Tension Over Head Lines Residential School Complex, Mahendra Hills is yet to be released by the respondents though he completed the work long back. The Earnest Money Deposits for the other works completed by him amounting to 2.20 lakhs are yet to be released by the respondents. They are withholding the amounts without any reason. Aggrieved by the non payment of bills, he submitted a representation to the 1st respondent marking a copy to other

respondents herein. The 1st respondent passed an order dated 1.12.1997 directing the 2nd respondent to clear all the pending bills with regard to the works executed by the petitioner. The 2nd respondent vide his letter dated 10.12.1997 addressed a letter to the petitioner asking him to produce the necessary work orders, agreement etc ., for taking action. The petitioner gave all the details along with relevant copies of the documents. But no action was taken. Therefore, the petitioner was constrained to issue a legal notice on 23.3.1998 calling upon the 1st and 2nd respondent to settle the final bills and make all payments due to him including the return of Earnest Money Deposits. But there was no reply from the respondents. Hence, the writ petition.

In view of the above, there is no necessity to go into all the details. The grievance of the petitioner is that inspite of several representations being made by him neither the finals bills were settled nor the earnest money deposits pending against the work already executed were returned. Therefore, it is suffice to direct the 1st and 2nd respondents to treat the legal notice issued by the petitioner as a representation and dispose of the same by giving detailed reasons against each of the items mentioned therein as per law.

Writ petition is disposed of accordingly. No costs.

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27.07.2006

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